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FISCAL IMPACT REPORT



SPONSOR: Luna DATE TYPED: 01-28-02 HB 163

SHORT TITLE: Alcohol Sales By Nonprofit Gaming Operators SB _____

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB105 without the emergency clause;
 Conflicts with Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 which has restrictions for allowing alcoholic beverages where gaming is allowed.

SOURCES OF INFORMATION

LFC Files

Responses Received From:

- Attorney General
- Department of Public Safety, Special Investigations Division
- Gaming Control Board
- Regulation and Licensing Department, Alcohol and Gaming Division

SUMMARY

Synopsis of Bill

House Bill 163 amends Section 60-2E-28 NMSA 1978 of the Gaming Control Act to allow alcoholic beverages to be sold, served, delivered and consumed in the area where gaming machines are operating at a nonprofit organization.

Significant Issues

This bill contains an emergency clause. This change to the Gaming Control Act would change current law that prohibits nonprofit organizations from serving alcoholic beverages in areas where gaming machines are located. The Indian gaming compacts of 1997 and 2001 and current statute prohibits serving alcoholic beverages at tribal gaming machine areas and at racetrack gaming machine areas. (See Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 for restrictions of allowing alcoholic beverages where gaming is allowed.) If House Bill 163 is enacted, a nonprofit organization would have to license its premises under both the Gaming Control Act, as a gaming facility and the Liquor Control Act, as a liquor licensed facility.

CONFLICT/DUPLICATION

House Bill 163 conflicts with current law that prohibits alcohol where gaming is allowed. (See Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 for restrictions of allowing alcoholic beverages where gaming is allowed.)

House Bill 163 is a duplicate of SB 105 except that SB105 does not contain an emergency clause.

JMG/njw